

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH CARVER,

Plaintiff,

v.

HENRY RICHARDS *et al.*,

Defendants.

Case No. C04-5495FDB

REPORT AND
RECOMMENDATION

**NOTED FOR:
April 29th, 2005**

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. On February 11th, 2005 the court entered an Order requiring plaintiff to submit service documents including copies of the complaint. (Dkt. # 11). Plaintiff has not complied. Instead of complying with the court's order, the plaintiff tried to have the clerks office issue summons and he tried to file additional motions. (Dkt. # 13 and 14).

Plaintiff was specifically informed that failure to provide the documents would result in a Report and Recommendation that this action be dismissed without prejudice for failure to prosecute. (Dkt. # 11). As plaintiff has not complied with the court's order the court now recommends this action be **DISMISSED WITHOUT PREJUDICE**. A proposed order and proposed judgment accompanies this Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the

1 parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed. R. Civ.
2 P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v.
3 Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to
4 set the matter for consideration on **April 29th, 2005**, as noted in the caption.

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6 DATED this 5th day of April, 2005
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10 /S/ Karen L. Strombom
11 Karen L. Strombom
12 United States Magistrate Judge
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